

JS 44C/SDNY  
REV.  
10/01/2020

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**PLAINTIFFS**  
JASMINE TORO, on behalf of herself and all others similarly situated

**DEFENDANTS**  
D'Vine Gourmet, LLC

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Mars Khaimov Law, PLLC  
108-26 64th Ave., 2nd Floor  
Forest Hills, NY 11375, Tel. 929-324-0717

## ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

## TITLE III OF THE AMERICANS WITH DISABILITIES ACT

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No  Yes

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/	[ ] 625 DRUG RELATED	[ ] 422 APPEAL	[ ] 375 FALSE CLAIMS	
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[ ] 376 QUI TAM	
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL &	INJURY/PRODUCT LIABILITY	21 USC 881	[ ] 423 WITHDRAWAL	[ ] 400 STATE	
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 320 SLANDER	PRODUCT LIABILITY	[ ] 690 OTHER	28 USC 157	REAPPORTIONMENT	
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	<b>PROPERTY RIGHTS</b>		[ ] 410 ANTITRUST	
[ ] 151 MEDICARE ACT	[ ] 340 MARINE	<b>PERSONAL PROPERTY</b>		[ ] 820 COPYRIGHTS	[ ] 430 BANKS & BANKING	
[ ] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 370 OTHER FRAUD	[ ] 830 PATENT	[ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[ ] 450 COMMERCE	
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 350 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING	[ ] 840 TRADEMARK	<b>SOCIAL SECURITY</b>		[ ] 460 DEPORTATION
[ ] 160 STOCKHOLDERS SUITS	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 360 OTHER PERSONAL INJURY	<b>LABOR</b>		[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[ ] 190 OTHER CONTRACT CONTRACT PRODUCT LIABILITY	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 861 HIA (1395ff)	[ ] 480 CONSUMER CREDIT	
[ ] 195 FRANCHISE	<b>ACTIONS UNDER STATUTES</b>		[ ] 720 LABOR/MGMT RELATIONS	[ ] 862 BLACK LUNG (923)	[ ] 485 TELEPHONE CONSUMER PROTECTION ACT	
[ ] 196 FRANCHISE	CIVIL RIGHTS	[ ] 463 ALIEN DETAINEE	[ ] 740 RAILWAY LABOR ACT	[ ] 863 DIWC/DIWV (405(g))	[ ] 490 CABLE/SATELLITE TV	
<b>REAL PROPERTY</b>		[ ] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	[ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[ ] 864 SSID TITLE XVI	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE	
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	[ ] 530 HABEAS CORPUS	[ ] 790 OTHER LABOR LITIGATION	[ ] 865 RSI (405(g))	[ ] 890 OTHER STATUTORY ACTIONS	
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	[ ] 535 DEATH PENALTY	[ ] 791 EMPL RET INC SECURITY ACT (ERISA)	<b>FEDERAL TAX SUITS</b>		[ ] 891 AGRICULTURAL ACTS
[ ] 230 RENT LEASE & EJECTMENT	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 550 CIVIL RIGHTS	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	[ ] 893 ENVIRONMENTAL MATTERS	[ ] 892 OTHER STATUTORY ACTIONS	
[ ] 240 TORTS TO LAND	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 555 PRISON CONDITION	[ ] 871 IRS-THIRD PARTY	[ ] 895 FREEDOM OF INFORMATION ACT	[ ] 894 ENVIRONMENTAL MATTERS	
[ ] 245 TORT PRODUCT LIABILITY	[x] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	26 USC 7609	[ ] 896 ARBITRATION	[ ] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 448 EDUCATION	<b>IMMIGRATION</b>		[ ] 900 CONSTITUTIONALITY OF STATE STATUTES	[ ] 950 CONSTITUTIONALITY OF STATE STATUTES	

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- |   |   |   |   |  |   |   |
|---|---|---|---|--|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court  | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
|   |   | <input type="checkbox"/> a. all parties represented       |   |  |   |   |
|   |   | <input type="checkbox"/> b. At least one party is pro se. |   |  |   |   |
|   |   |   |   |  | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) |   |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION     4 DIVERSITY  
(U.S. NOT A PARTY)

**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ]1	DEF [ ]1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [ ]3	DEF [ ]3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ]5	DEF [ ]5
CITIZEN OF ANOTHER STATE	[ ]2	[ ]2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ]4	[ ]4	FOREIGN NATION	[ ]6	[ ]6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)****DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)****DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

**COURTHOUSE ASSIGNMENT**

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN

DATE 9/6/22 /S/ Mars Khaimov

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT  
[ ] NO  
[x] YES (DATE ADMITTED Mo. 02 Yr. 2020)  
Attorney Bar Code # 5256789

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)